



IPW CO/C

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: **Christopher W. McNutt et al.**

Application No.: **10/659,139**

U.S. Patent No.: **7,039,281**

RECEIVED

Filed: **September 10, 2003**

Granted: **May 2, 2006**

JUN 15 2006

Title: **Buffer Tubes for Fiber Optic Cables**

OFFICE OF PETITIONS

**PETITION UNDER 37 C.F.R. § 3.81(b) TO CORRECT ASSIGNEE INFORMATION  
ON PATENT COVER PAGE AND  
REQUEST FOR CERTIFICATE OF CORRECTION  
FOR PATENTEE MISTAKES (37 C.F.R. § 1.323)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

06/13/2006 NNGUYEN1 00000050 10659139

01 FC:1464

130.00 OP

Sir:

**Petition to Correct Assignee Information**

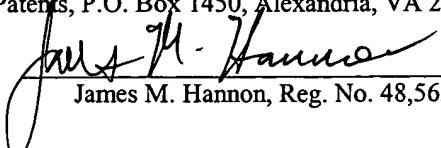
Patentee petitions under 37 C.F.R. § 3.81(b) to correct the assignee information listed in block 73 on the cover page of the issued patent. The assignee information incorrectly lists "Essex Group, Inc." as the assignee. However, Superior Essex Communications LP owns the patent. Accordingly, Patentee requests approval to correct the assignee information in block 73 on the patent's cover page as follows:

Cover Page, Block (73) Assignee, "Essex Group, Inc., Ft. Wayne, IN (US)" should read **Superior Essex Communications LP, Atlanta, GA (US)**.

Patentee's attorney inadvertently failed to include the correct assignee name on the Issue Fee Transmittal, Form PTOL-85.

I hereby certify that this Petition, along with any documents indicated as being attached, is being deposited on the date shown below with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: June 7, 2006

  
James M. Hannon, Reg. No. 48,565

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JUN 15 2006

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**Remarks Regarding the Assignee Information**

Exhibit 1 attached hereto is a copy of the Issue Fee Transmittal, Form PTOL-85, filed on March 6, 2006. As shown in block 3 of that document, Patentee's attorney listed Essex Group, Inc. of Ft. Wayne, Indiana as the assignee of the patent. However, Superior Essex Communications LP owns the patent. Assignments from the inventors to Superior Telecommunications, Inc. were submitted for recordation as set forth in 37 C.F.R. § 3.11 before issuance of the patent.

Inventor Christopher McNutt assigned his rights to Superior Telecommunications, Inc. The corresponding assignment document is recorded at reel/frame 014481/0400. Inventor Jeffrey H. Mumm assigned his rights to Superior Telecommunications, Inc. The corresponding assignment document is recorded at reel/frame 014481/0400. A Change of Name was filed changing the name of Superior Telecommunications, Inc. to Superior Essex Communications, Inc. The corresponding Change of Name is recorded at reel/frame 017706/0130. A Change of Name was filed changing the name of Superior Essex Communications, Inc. to Superior Essex Communications, LLC. The corresponding Change of Name is recorded at reel frame 017706/0140. A Change of Name was filed changing the name of Superior Essex Communications, LLC to Superior Essex Communications LP. The corresponding Change of Name is recorded at reel/frame 017706/0216.

Accordingly, Superior Essex Communications LP owns the patent, and Patentee requests approval to correct the assignee information listed in block 73 on the patent's cover page to identify the correct owner of the patent.

**Request for Certificate of Correction**

In Exhibit 2 attached hereto, Patentee has submitted concurrently herewith a Request for Certificate of Correction to correct the assignee information in the issued patent. Please forward the Request for Certificate of Correction to the proper branch for processing after granting this Petition to correct the assignee information.

**Fee**

Enclosed is a \$130.00 check for the Petition fee. Patentee hereby authorizes the Commissioner to charge any additional fee deemed necessary for consideration of this Petition, or to credit any overpayment, to Deposit Account No. 11-0980. A duplicate of this paper is attached.

**Conclusion**

Patentees request approval to correct the assignee information, as discussed herein. If any issues exist that can be resolved by a telephone conference, please contact the undersigned attorney at the number provided below.

Respectfully submitted,



James M. Hannon  
Registration No. 48,565

KING & SPALDING LLP  
1180 Peachtree Street, NE  
Atlanta, Georgia 30309-3521  
(404) 572-4600 (Telephone)  
(404) 572-5145 (Facsimile)  
K&S Docket No. 13077. (not yet assigned)

JUN 15 2006

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**
**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**

JUN 12 2006

**OFFICE OF PETITIONS****or Fax** (571) 273-2885

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence, including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

10291 7590 12/20/2005

**RADER, FISHMAN & GRAUER PLLC**  
**39533 WOODWARD AVENUE**  
**SUITE 140**  
**BLOOMFIELD HILLS, MI 48304-0610**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Victoria L. Wood	(Depositor's name)
Victoria L. Wood	(Signature)
March 6, 2006	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,139	09/10/2003	Christopher W. McNutt	64671-0480	3033

TITLE OF INVENTION: BUFFER TUBES FOR FIBER OPTIC CABLES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	03/20/2006

EXAMINER	ART UNIT	CLASS-SUBCLAS S
NGUYEN, KHIEM M	2839	385-100000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). <input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. <input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.	1 <u>Rader, Fishman &amp; Grauer PLLC</u> 2 _____ 3 _____
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## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

## (A) NAME OF ASSIGNEE

**ESSEX GROUP, INC.**

## (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Ft. Wayne, IN

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

## 4a. The following fee(s) are enclosed:

Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_

## 4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 18-0013 (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

 a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date March 6, 2006Typed or printed name Robert L. KellyRegistration No. 31,843

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



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FOR PATENTEE MISTAKES (37 C.F.R. § 1.323)**

Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

06/13/2006 NNGUYEN1 00000051 7039281

01 FC:1811

100.00 OP

Sir:

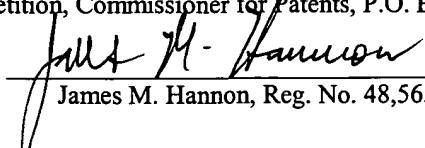
Patentee notes that errors of a typographical nature or character appear in the patent as a result of mistakes of the Patentees. The attached Form PTO-1050, in duplicate, describes the errors in detail (see Exhibit A). Patentee respectfully requests that the Commissioner issue a Certificate of Correction to correct the errors appearing in the printed patent. Correction thereof does not involve such changes in the patent that would constitute new matter or require re-examination.

**Correction to Assignee Information**

Regarding the error in the Assignee block 73 on the patent's cover page, Superior Essex Communications LP owns the patent.

Inventor Christopher McNutt assigned his rights to Superior Telecommunications, Inc. The corresponding assignment document is recorded at reel/frame 014481/0400. Inventor Jeffrey H. Mumm assigned his rights to Superior Telecommunications, Inc. The corresponding

I hereby certify that this Request for Certificate of Correction, along with any documents indicated as being attached, is being deposited on the date shown below with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
Date: June 7, 2006

  
James M. Hannon, Reg. No. 48,565

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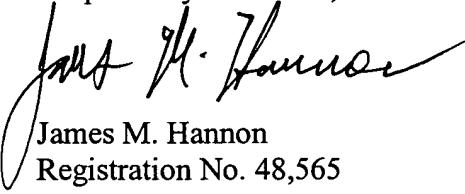
**Fee**

Enclosed is a \$100.00 check for the Certificate of Correction fee. Patentee hereby authorizes the Commissioner to charge any additional fee, or to credit any overpayment, to Deposit Account No. 11-0980. A duplicate of this paper is attached.

**Conclusion**

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Respectfully submitted,



James M. Hannon  
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1180 Peachtree Street, NE  
Atlanta, Georgia 30309-3521  
(404) 572-4600 (Telephone)  
(404) 572-5145 (Facsimile)  
K&S Docket No. 13077.(not yet assigned)

UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION

PATENT NO. : 7,039,281

DATED : May 2, 2006

INVENTOR(S) : Christopher McNutt et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Cover Page, Block (73) Assignee, "Essex Group, Inc., Ft. Wayne, IN (US)" should read  
--Superior Essex Communications LP, Atlanta, GA (US)--.

MAILING ADDRESS OF SENDER:

James M. Hannon, King & Spalding, LLP  
34<sup>th</sup> Floor, 1180 Peachtree Street, N.E.  
Atlanta, Georgia 30309

PATENT NO. 7,039,281

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FORM PTO 1050 (REV. 3-82)

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